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DEPARTMENT FOR IO/MPR AND S/WCI

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TAGS: [PREL](#) [AORC](#) [KWCI](#) [RW](#) [YI](#)
SUBJECT: UNGA: FIFTH COMMITTEE DISCUSSES FINANCING
TRIBUNALS FOR RWANDA AND YUGOSLAVIA

¶1. Summary: On December 15 the UN General Assembly (UNGA) Fifth Committee (Administrative and Budgetary) began discussions of financing the international criminal tribunals. African and European representatives endorsed the Secretariat's calls for additional funding. The French delegate (on behalf of the EU) expressed full support for the tribunals and complained that this discussion should have begun earlier. The representative of Rwanda (on behalf of the African Group) welcomed the increasing number of countries supporting the tribunals. All delegations agreed on the need to forestall staff losses, but U.S. and Chilean delegates disagreed on the proposal for a USD 5 million staff retention bonus. The Cubans used the opportunity to push back on the UN Security Council (UNSC) in favor of UNGA. End Summary.

¶2. Sharon Van Buerle, Director of Program Planning and the Budget Division, introduced the Financial Performance Reports for the International Criminal Tribunal for Yugoslavia (ICTY) (A/63/558) and the International Criminal Tribunal for Rwanda (ICTR) (A/63/559) and the Revised Estimates for the tribunals (A/63/513 and A/63/506) and the Revised Estimates Arising in Respect to Security Council Resolution 1800 on the appointment of ad litem judges (A/62/809). Chairman Susan McLurg of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) introduced related reports. The Rwandan and Chilean delegations expressed support for ACABQ recommendations. The representative of France expressed disappointment of the late release of the ACABQ reports and reiterated that a fundamental duty of Member States is to provide timely financial support for the tribunals.

¶3. On staffing, the ACABQ urged more intensive efforts to retain the specialized tribunal personnel. Most delegations emphasized the vital nature of preserving adequate staffing levels until the tribunals' mandates are fulfilled, keeping in mind the UNSC-endorsed completion strategy. The divergence is in the mechanism to encourage staff members to stay. All parties agreed that the Committee must take swift action to keep the tribunals functioning. The tribunals will need more time for concluding trials, a now-impossible deadline originally agreed upon for this month.

¶4. The representative of Cuba complained that the UNSC has encroached upon UNGA's power of the purse by passing Resolution 1800, allowing the Secretary-General to appoint additional ad litem judges within existing resources. Cuba argued that it was UNGA's role, and in particular the Fifth Committee, and not that of the UNSC to address budgetary matters.

¶5. USDel expressed support for the tribunals and noted American financial contributions, personnel assistance and information sharing. We expressed serious reservations about some of the staff retention proposals, which would likely set negative precedents. The EU concurs with USDel's position,

and would like to see efforts to retain staff which are consistent with the common system. The G77 and China, however, are more willing to provide a financial bonus to retain staff. Full USDe1 remarks are available on Mission web site, www.usunnewyork.usmission.gov.
Khalilzad